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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,047	09/15/2003	Benson Tung	AP4534 (15739/207)	1974
23595	7590	10/05/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			TRAN, TUAN A	
			ART UNIT	PAPER NUMBER
			2682	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/663,047	TUNG, BENSON	
	Examiner	Art Unit	
	Tuan A. Tran	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mozdzanowski (5,273,062).

Regarding claim 1, Mozdzanowski discloses a sunshade (See fig. 1) comprising: a post 13; a radio module 39 mounted on the post, the radio module 39 being adapted to receive signals from a broadcaster; and a power module mounted on the sunshade for supplying power to the radio module (See fig. 1 and col. 1 line 51 to col. 2 line 20).

Regarding claim 2, Mozdzanowski discloses as cited in claim 1. Mozdzanowski further discloses the sunshade including: a rib-mounting member mounted on the post; a plurality of ribs each having an upper end pivotally connected to the rib-mounting member; a runner slidably mounted on the post; and a plurality of stretchers each having an upper end pivotally connected to an intermediate portion of an associated one of the ribs and a lower end pivotally connected to the runner (See fig. 1 and col. 1 line 51 to col. 2 line 6).

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Regarding claims 5-7, Mozdzanowski discloses as cited in claim 2.

Mozdzanowski further discloses the power module is a solar energy device that receives solar energy and transforms solar energy into electricity, wherein the solar energy device includes a housing, with at least one solar collecting member including at least one photoelectric plate pivotally mounted on the housing and inherently at least a solar battery electrically coupled to the photoelectric plate being received in the housing, the at least one solar energy collecting member being pivoted when the ribs move from folded state to an unfolded state (See fig.1 and col. 2 lines 7-16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mozdzanowski (5,273,062) in view of Moga (2004/0055627).

Regarding claim 8, Mozdzanowski discloses as cited in claim 1. However, Mozdzanowski does not mention that the power module includes a tubular member releasably connected to a lower end of the post, the power module further including a battery-receiving member releasably received in the tubular member and a battery unit received in the battery-receiving member. Moga

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teaches a sunshade comprising a power module includes a tubular member releasably connected to a lower end of the post, the power module further including a battery-receiving member releasably received in the tubular member and a battery unit received in the battery-receiving member (See fig. 1B and page 2 [0028-0031]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power module as suggested by Moga for the advantage of providing alternate power source to operate the radio module.

3. Claims 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mozdzanowski (5,273,062) in view of Ouyang et al. (2003/0029481).

Regarding claim 9, Mozdzanowski discloses as cited in claim 1.

Mozdzanowski further discloses the radio module includes a circuit board, a loud speaker electrically coupled to the circuit board, a control panel having a control plate and a plurality of control elements mounted on the control panel and extending beyond the control panel for manual operation (See figs. 1-2 and col. 2 lines 7-19). However, Mozdzanowski does not mention that the radio module consisting of two casing halves securely connected together and mounted around the post. Ouyang teaches a sunshade wherein a device (a fan) includes a casing consisting of two casing halves securely connected together around post of the sunshade (See fig. 1 and page 1 [0026] to page 2 [0029]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teachings of Ouyang in mounting the radio

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module for the advantage of providing flexibility to the user in securing devices around the post of the sunshade.

Regarding claim 10, Mozdzanowski & Ouyang disclose as cited in claim 9. However, they do not mention that the control panel including a slidable cover. Since using slidable cover to cover a control panel is a well known technique; therefore, it would have been obvious to one skilled in the art to cover the control panel with slidable cover/door in order to prevent dust or water entering the control panel.

Regarding claim 11, Mozdzanowski & Ouyang disclose as cited in claim 10 wherein the post inherently includes a slot into which the control panel extend.

Regarding claim 12, Mozdzanowski & Ouyang disclose as cited in claim 10. Ouyang further discloses each casing half includes a groove in an upper end thereof, further including a gasket mounted in the grooves of the casing halves for preventing water form entering the casing (See fig. 1).

Regarding claim 13, Mozdzanowski & Ouyang disclose as cited in claim 9. Mozdzanowski further discloses the circuit board inherently includes a wire electrically connected to the post, thereby forming an antenna for receiving the signals from the broadcaster (See fig. 1).

Regarding claims 14-16, Mozdzanowski & Ouyang disclose as cited in claim 9. Mozdzanowski further discloses the power module is a solar energy device that receives solar energy and transforms solar energy into electricity, wherein the solar energy device includes a housing, with at least one solar collecting member including at least one photoelectric plate pivotally mounted on

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the housing and inherently at least a solar battery electrically coupled to the photoelectric plate being received in the housing, the at least one solar energy collecting member being pivoted when the ribs move from folded state to an unfolded state (See fig.1 and col. 2 lines 7-16).

Regarding claim 17, Mozdzanowski & Ouyang disclose as cited in claim 16. Mozdzanowski further discloses the solar battery is inherently electrically connected to the circuit board and thus supplies power to the circuit board.

4. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mozdzanowski (5,273,062) in view of Ouyang et al. (2003/0029481) as applied to claim 9 above, and further in view of Moga (2004/0055627).

Regarding claims 18-20, Mozdzanowski & Ouyang disclose as cited in claim 9. However, they do not mention that the power module includes a tubular member releasably connected to a lower end of the post, the power module further including a battery-receiving member releasably received in the tubular member and a battery unit received in the battery-receiving member, wherein the battery unit includes a positive pole and a negative pole that are inherently electrically connected to the circuit board through connecting conductive member mounted in the tubular member. Moga teaches a sunshade comprising a power module includes a tubular member releasably connected to a lower end of the post, the power module further including a battery-receiving member releasably received in the tubular member and a battery unit received in the battery-receiving member, wherein the battery unit includes a positive pole and a

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negative pole that are inherently electrically connected to the circuit board through connecting conductive member mounted in the tubular member (See fig. 1B and page 2 [0028-0031]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the power module as suggested by Moga for the advantage of providing alternate power source to operate the radio module.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(571) 272-7858**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Nick Corsaro**, can be reached at **(571) 272-7876**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

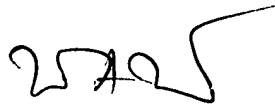
(571) 273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Tuan Tran

AU 2682



NICK CORSARO
PRIMARY EXAMINER